Court No.-1

Civil Misc. Writ Petition No. 3011 (S/S) of 2001

Satya Pal Singh and others ……. Petitioners.

Versus

Chief Engineer Uttaranchal
and others. …… Respondents.

……

Hon. P.C. Verma, J.

This writ petition has been filed by the petitioners raising a grievance that the petitioners are being relieved by the Executive Engineer in compliance of the transfer order dated 13/9/2000, by which the petitioners were transferred from Rishikesh to Haldwani which was suspended vide orders dated 26/12/2000 till 30/4/2001, Therefore, the petitioners continued to work at Rishikesh in view of the order dated 26/12/2000 as there was no order of cancellation. The transfer order was not cancelled and it was merely suspended and therefore, the order dated 13/9/2000, became operative and the Executive Engineer has rightly directed to relieve the petitioners who are junior engineers. The learned counsel for the petitioners further submits that the petitioners have opted for Uttar Pradesh and till their option is finalized, they may not be relieved from Rishikesh. So far as the question of cadre is concerned, it has nothing to do with the transfer order as till the finalisation of the cadre of the petitioners, the petitioners are provisionally appointed in view of section 75 of the Re-organisation Act, therefore, the authorities of Uttaranchal has authority to pass order the contention of the petitioner is that the order dated 13/9/2000, is contrary of the circular issued on 30/4/2001. The said circular was issued by the Engineer-in-Chief, Uttaranchal which cannot be allowed to remain operative after the appointed day.

The argument of the learned counsel is misconceived the transfer is an excigency of service and the transfer order has been passed in public interest. No malafide has been alleged to have been committed.

In these circumstances, I refuse to exercise my powers under Article 226 of the Constitution of India to interfere with the transfer order.

The writ petition is accordingly dismissed.

No order as to costs.

(P.C. Verma, J.)

R.P. Singh
16/5/2001.